

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:		
ISAAC JAY WILLIAMS,	:		
	:		
Plaintiff,	:		
	:		
-v-	:		23 Civ. 11018 (JPC)
	:		
JACQUELINE DUDLEY and SAMUEL SALNAVE,	:		<u>ORDER OF SERVICE</u>
	:		
Defendants.	:		
	:		
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JOHN P. CRONAN, United States District Judge:

Plaintiff, who is proceeding *pro se*, brings this action under the Americans with Disabilities Act of 1990, the New York State Human Rights Law, and the New York City Human Rights Law. On January 26, 2024, Plaintiff paid the filing fees, and the Clerk of Court assigned the action to the Court. As discussed below, the Court directs the Clerk of Court to add as a Defendant Plaintiff's employer, the New York City Human Resources Administration ("HRA"), and issue summonses for HRA, Jacqueline Dudley, and Samuel Salnave.

I. Discussion

A. New York City Human Rights Administration

Plaintiff brings this action asserting claims of disability discrimination under the ADA. He alleges that the discrimination occurred at his workplace, the HRA, and he names as Defendants two individuals, Dudley and Salnave. Because ADA claims cannot be brought against individual defendants in their personal capacity, *see Spiegel v. Schulmann*, 604 F.3d 72, 79 (2d Cir. 2010) (holding that "the retaliation provision of the ADA . . . cannot provide for individual liability"), the Court construes the Complaint as asserting ADA claims against the HRA. Accordingly, in light of Plaintiff's *pro se* status, and apparent intention to bring his ADA claims against his employer, the

Court respectfully directs the Clerk of Court, under Rule 21 of the Federal Rules of Civil Procedure, to add as a Defendant, the New York City Human Resources Administration.

B. Order to Issue Summons

The Court directs the Clerk of Court to issue summonses as to Defendants New York City Human Resources Administration, Jacqueline Dudley, and Samuel Salnave. Plaintiff is directed to serve the summons and Complaint on each Defendant within ninety days of the issuance of the summonses.¹ If within those ninety days, Plaintiff has not either served Defendants or requested an extension of time to do so, the Court may dismiss the claims against Defendants under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

II. Conclusion

The Court respectfully directs the Clerk of Court, under Federal Rule of Civil Procedure 21, to add as a Defendant, New York City Human Resources Administration. The Court further respectfully directs the Clerk of Court to issue summonses as to Defendants New York City Human Resources Administration, Jacqueline Dudley, and Samuel Salnave. Plaintiff may receive court documents by email by completing the attached form, [Consent to Electronic Service](#).² The Clerk of Court additionally is respectfully directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: February 2, 2024
New York, New York



JOHN P. CRONAN
United States District Judge

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within ninety days of the date a complaint is filed, the summons in this case was not issued when Plaintiff filed the Complaint because he had not paid the filing fee. The Court therefore extends the time to serve until ninety days after the date the summons is issued.

² If Plaintiff consents to receive documents by email, he will no longer receive court documents by regular mail.

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Please list all your pending and terminated cases to which you would like this consent to apply. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Name (Last, First, MI)

Address

City

State

Zip Code

Telephone Number

E-mail Address

Date

Signature

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